

Exhibit F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN LOFTUS, individually and
on behalf of all others
similarly situated,

Plaintiff,

-v-

Case No. 21-cv-11809

OUTSIDE INTEGRATED MEDIA, LLC,

Defendant.

_____ /

MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT and
FOR ENTRY OF FINAL JUDGMENT

BEFORE JUDGE MARK A. GOLDSMITH

All Parties Appearing Via Zoom Teleconference

Tuesday, August 9th, 2022.

APPEARANCES:

FOR THE PLAINTIFF: PHILIP L. FRAIETTA
Bursor & Fisher, P.A.
888 Seventh Avenue
New York, NY 10019

FOR THE PLAINTIFF: FRANK S. HEDIN
Hedin Hall, LLP
1395 Brickell Avenue
Suite 1140
Miami, FL 33131

1 (Appearances, continued):

2

3 FOR THE PLAINTIFF: GREGORY A. MITCHELL
4 The Miller Law Firm, P.C.
5 950 West University Drive
6 Suite 300
7 Rochester, MI 48307

8

9 FOR THE DEFENDANT: KRISTEN C. RODRIGUEZ
10 Dentons, US LLP
11 233 South Wacker Drive
12 Suite 5900
13 Chicago, IL 60606

14

15 FOR THE DEFENDANT: PETER B. KUPELIAN
16 Clark Hill PLC
17 151 South Old Woodward Avenue
18 Suite 200
19 Birmingham, MI 48009

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22 David B. Yarbrough, CSR, RMR, FCRR
23 Official Court Reporter
24 (313) 234-2619
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WITNESSES:
NONE

EXHIBITS

NONE

1 Detroit, Michigan.

2 Tuesday, August 9th, 2022

3 At or about 10:07 a.m.

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5 THE CLERK OF THE COURT: Calling case number
6 21-11809, Loftus versus Outside Integrated Media, LLC.
7 Counsel, please place your appearances on the record.

8 MR. FRAIETTA: Good morning, your Honor. Phil
9 Fraietta of Bursor and Fisher for plaintiff in the class.

10 MR. HEDIN: Good morning. Frank Hedin also for the
11 plaintiff in the class.

12 MR. MITCHELL: Gregory Mitchell from the Miller Law
13 Firm, plaintiff in the class.

14 MS. RODRIGUEZ: Good morning, your Honor. Kristen
15 Rodriguez for defendant.

16 MR. KUPELIAN: Good morning, your Honor. Peter
17 Kupelian, Clark Hill for the defendant as well.

18 THE COURT: All right. Good morning, everybody. We
19 are conducting this Zoom hearing today on a motion to approve
20 the settlement, final approval and also there's a motion for
21 attorney's fees and costs, so I'll let plaintiffs lead off.

22 MR. FRAIETTA: Yes. Thank you, your Honor. I'll be
23 brief. As you said, we're here to finally approve this
24 class-action settlement. The settlement provides for a
25 non-reversionary common fund just under a million dollars, it

1 as \$998,406.92 to be exact.

2 THE COURT: Just a moment, pardon me. I see our
3 court reporter is having little difficulty hearing. Let's go
4 off the record for a second.

5 (Off the record)

6 THE COURT: Okay. Let's try this again. Let's go
7 back on the record. Go ahead.

8 MR. FRAIETTA: Yes, thank you. Your Honor, so as I
9 was saying we're here on final approval of a class-action
10 settlement. The settlement provides for non-reversionary
11 common fund of just under a million dollars. It's 998,00 and
12 change to be exact. The court-approved notice plan was
13 administered and 99.75 percent, nearly 100 percent of the class
14 received direct notice of the settlement and the reaction was
15 overwhelmingly positive. Zero class members objected; zero
16 asked to be excluded.

17 We are projecting that each class member will
18 automatically receive 50 dollars. This settlement did not
19 require class members to file claims so unlike most class
20 action settlements where northwards of 90 percent of class
21 members receive nothing, that's not the case here. Everybody's
22 going to automatically receive 50 dollars as long as they did
23 not opt out and because nobody opted out, everyone's going to
24 receive about 50 bucks. So we believe the settlement is well
25 within the reasonable. Papers point two a number of prior

1 settlements that have been reached under this statute. We
2 believe that this settlement outperforms those both in total
3 compensation and structure on a per-class-member basis.

4 In connection with the settlement, we also requested
5 attorney's fees of 35 percent of the settlement fund. That
6 percentage is also consistent with precedent in this district.
7 We cited a number of cases including Kinder v. Meredith,
8 Kokosvki v. Playboy and Perlin v. Time where requests are of 35
9 percent or in the case of Time, 40 percent were approved by
10 courts in this district so we believe that our fee request is
11 justified here especially in light of the substantial result
12 that we were able to negotiate for class members in an
13 efficient manner as well.

14 As the Court noted at the preliminary approval
15 hearing, this is not a matter where plaintiff's counsel and
16 defense counsel spent needless effort on litigation. We
17 recognized this case could settle, we proceeded to mediation
18 promptly and were able to work it out on terms that I believe
19 are very favorable for the class, so we submit that this
20 settlement and attorney's fee request should be approved.

21 We submitted a proposed order which if the Court
22 signs the proposed order will approve the settlement and fee
23 request and everything in connection with that, so we, we
24 respect the Court sign that order and we can begin
25 administering the payments to the class members.

1 THE COURT: All right. Do we need to hear from any
2 other plaintiffs' attorneys?

3 MR. HEDIN: No, your Honor.

4 THE COURT: All right. Let's turn it over to the
5 defense. Anything for the defense side?

6 MS. RODRIGUEZ: Your Honor, Kristen Rodriguez for the
7 record. We have nothing further to add to Mr. Fraietta's
8 comments. We support final approval of the settlement.

9 THE COURT: All right. Well, I have reviewed the
10 papers that have been submitted and I do approve the
11 settlement. I think both sides have done very good work in
12 trying to bring this matter to a very prompt conclusion without
13 unnecessary attorney time and I think the class has benefited
14 in a concrete way and the extent of the class participation is
15 impressive and the attorneys representing the class are to be
16 congratulated on their very effective work on behalf of the
17 class. I do think the settlement is a fair and reasonable one.

18 I also think the attorney fee request is reasonable
19 as well. The attorneys did work very hard pre-suit and after
20 suit. I know there were mediation efforts that obviously bore
21 fruit here and I think the request for 35 percent is in line
22 with what other courts have approved and especially in this
23 context where the lawyers did produce significant results for
24 the class in very short order. I think they should be rewarded
25 appropriately for having done a very effective job as class

1 counsel, so I'm going to approve the request for fees and costs
2 and the costs were reasonable as well. Is there anything else
3 that we need to address on the record at this time?

4 MR. FRAIETTA: No, nothing further from plaintiffs,
5 your Honor. Thank you.

6 MR. HEDIN: Your Honor, this is frank Hedin, if I may
7 be heard? The named class representative additionally
8 requested a service award. That's also before the Court for
9 approval as well I believe.

10 THE COURT: Yes, I'm approving that as well. I did
11 not mention that expressly, but I did see that request and I
12 think it's appropriate. The class representative was effective
13 and did work along side the lawyers to bring about this result
14 for the class and the request for 5,000 dollars is an
15 appropriate request under all the circumstances, so I'll
16 approve that as well. All right. I think then anything for
17 the defense that we need to address?

18 MS. RODRIGUEZ: Nothing for the defense, your Honor.
19 Thank you for allowing us to conduct this hearing via Zoom.

20 THE COURT: All right. My pleasure and again I want
21 to thank the lawyers for doing a very professional job on all
22 sides here. I think you folks are the role models for your
23 colleagues out there. I think when lawyers work together, they
24 can bring about resolution in an effective and prompt way and I
25 think that's a great benefit to their clients' benefit and I

1 think that also serves administration of justice. So
2 congratulations for bringing that about.

3 I do want to thank Mr. Yarbrough for his fine work as
4 always as our court reporter and to Ms. Roat whose seat I'm now
5 occupying actually. My little name plate up there
6 misidentifies me, but I'm filling a very big seat here. She's
7 been a terrific law clerk for me and I want to thank her
8 publicly for her assistance in this matter. Thank you all.
9 Have a great day. That concludes our hearing. Thank you.

10 MR. FRAIETTA: Thank you, your Honor.

11 MS. RODRIGUEZ: Thank you, your Honor.

12 (Hearing concluded at 10:17 a.m.)

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C E R T I F I C A T E

I, David B. Yarbrough, Official Court
Reporter, do hereby certify that the foregoing pages
comprise a true and accurate transcript of the
proceedings taken by me in this matter on Tuesday,
August 9th, 2022.

9/8/2022

Date

/s/ David B. Yarbrough

David B. Yarbrough,
(CSR, RPR, FCRR, RMR)
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